

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants,

and

METROPOLITAN TRANSIT AUTHORITY, *et al.*,

Defendant-Intervenor.

No. 23-3885
Hon. Brian R. Martinotti

**DEFENDANTS' NOTICE OF LODGING THE CERTIFIED LIST OF SUPPLEMENTED
ADMINISTRATIVE RECORD CONTENTS**

Pursuant to this Court’s October 5, 2023 Order (ECF No. 32), Defendants¹ hereby provide notice of the certification of the supplemented Administrative Record for Defendants’ issuance of an Environmental Assessment (“EA”) and Finding of No Significant Impact (“FONSI”) for the Manhattan Central Business District Tolling Program (“the Project”). As detailed in the attached declaration and index, the certified list of the supplemented Administrative Record contents filed with the Court today supersedes the list of the Administrative Record filed with the Court on October 27, 2023, ECF No. 50. The attached list

¹ Defendants are the U.S. Department of Transportation (“DOT”), the Federal Highway Administration (“FHWA”), Shailen Bhatt, in his official capacity as Administrator of FHWA, and Richard J. Marquis, in his official capacity as Division Administrator of the New York Division of FHWA.

reflects those documents considered directly or indirectly by Defendants in connection with their review of the Project under the National Environmental Policy Act and Clean Air Act, and constitutes the record for the FONSI signed on June 23, 2023. The supplemented Administrative Record contains additional documents and communications considered by Defendants starting with the documents Bates number DOT_44868.

The documents listed above will be served electronically on Plaintiff and Defendant-Intervenor's counsel through the CM/ECF system. In addition, Defendants will share copies of the record with counsel for Plaintiff and Defendant-Intervenor through a file transfer site.

Finally, and pursuant to this Court's October 25, 2023 Order (ECF No. 46), Defendants are delivering to the Court three flash drives that contain electronic versions of the documents in the supplemented Administrative Record and a hyperlinked index to the record. Defendants intend one copy of the flash drive set for the Clerk of Court's Office, one copy for the Chambers of United States District Judge Brian R. Martinotti, and one copy for the Chambers of United States Magistrate Judge Leda Dunne Wettre.

Respectfully submitted this 7th day of December, 2023,

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

/s/ GREGORY M. CUMMING
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